

September 17, 2018



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 20307
(SECOND REVISION)

EXPIRATION DATE: 2022-08-31

(FOR RENEWAL, SEE 49 CFR 107.109)

1. GRANTEE: Tesla, Inc.
Palo Alto, CA

2. PURPOSE AND LIMITATION:

a. This special permit authorizes the transportation in commerce of low production and prototype lithium ion batteries exceeding the 35kg maximum weight authorized for transportation by cargo aircraft. This special permit provides no relief from the Hazardous Materials Regulations (HMR) or the International Civil Aviation Organization's Technical Instructions for the Safe Transport of Dangerous Goods by Air (ICAO TI) other than as specifically stated herein. The most recent revision supersedes all previous revisions.

b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce.

c. No party status will be granted to this special permit.

d. This special permit serves as an approval under Special Provision A99 and A88 of the ICAO TI and as a "Competent Authority Approval" as defined under 49 CFR § 107.1.

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3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR §§ 172.101 Column (9B) in that the net weight limitation may be exceeded and 173.185(a) in that the tests of the modules in accordance with the criteria in Part III, subsection 38.3 of the UN Manual of Tests and Criteria are waived.
5. BASIS: This special permit is based on the application of Tesla, Inc. dated July 2, 2018, submitted in accordance with § 107.109.
6. HAZARDOUS MATERIALS (49 CFR 172.101):

| Hazardous Materials Description | | | |
|--|------------------------------|------------------------------|----------------------|
| Proper Shipping Name | Hazard Class/Division | Identification Number | Packing Group |
| Lithium ion batteries | 9 | UN3480 | N/A |
| Lithium ion batteries contained in equipment | 9 | UN3481 | N/A |

7. SAFETY CONTROL MEASURES:

- a. SAFETY CONTROLS:

- (1) Each Pod must consist of not more than two battery modules using 21700 cells and must not exceed 20 kWh.
- (2) Each Powerwall must consist of a single Pod, and must not exceed an energy rating of 20 kWh.
- (3) Each Powerpack, consisting of multiple Pods, must not exceed an energy rating of 600 kWh.
- (4) Each Pod, Powerwall, and Powerpack must be transported at a state of charge not exceeding 30%.

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(5) Cells and battery modules must be protected against short-circuiting.

(6) Cells in Pods, Powerwalls, and Powerpacks must incorporate a safety venting device or are designed to preclude a violent rupture.

(7) A battery management system capable of monitoring the battery and preventing short circuit or over-discharge between the modules and any overheat or overcharge must be present in each Pod, Powerwall, and Powerpack.

b. TESTING REQUIREMENTS: Each cell within the lithium ion battery assembly must have been tested in accordance with the UN Manual of Tests and Criteria, 5th Revised Edition.

c. PACKAGING REQUIREMENTS:

(1) Modules in each Pod, Powerwall, and Powerpack must have a strong, impact-resistant outer casing and each Pod, Powerwall, and Powerpack may be packaged in a strong impact resistant outer packaging.

(2) The net mass of each lithium ion battery assembly may not exceed:

(i) For a Pod or Powerwall, 175 kg.

(ii) For a Powerpack, 3,000 kg.

d. MARKING: Each package covered under the terms of this special permit must be durably and legibly marked and displayed on a background of contrasting color with "DOT-SP 20307."

8. SPECIAL PROVISIONS:

a. Under the terms of this approval, the approval holder may only offer hazardous materials (i.e., the approval holder is not authorized as a carrier).

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b. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package and it is reoffered for transportation in conformance with this special permit and the HMR.

c. A current copy of this special permit must be maintained and made available for examination at each facility where the materials are package and offered or reoffered for transportation.

d. This special permit in no way affects the need to obtain any required authorizations from other agencies of the United States Government or from the competent authorities of countries of origin, transit and destination.

e. The special permit holder must maintain a record of all activity conducted under the authority granted in this special permit.

f. The record must contain a complete listing and number of shipments made to include:

(1) Dates of Shipment.

(2) Description of each type of shipment (to include origination/destination).

g. All of the above information must be made available upon request to a DOT representative or an enforcement Official.

h. A battery, battery assembly or monitoring system that is determined to be defective, may not be shipped under this special permit.

9. MODES OF TRANSPORTATION AUTHORIZED: Cargo-only aircraft.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each aircraft used to transport packages covered by this special permit. The shipper must furnish a copy of this special permit to the air carrier before or at the time the shipment is tendered.

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11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)– "The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of

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this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for William Schoonover
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: SH/SG